

9941. Adulteration and misbranding of vinegar. U. S. * * * v. 24 Dozen Bottles * * * of Vinegar * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14437. I. S. No. 3210-t. S. No. C-2791.)

On January 7, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 dozen bottles, more or less, of vinegar, remaining unsold in the original unbroken packages at Carbondale, Ill., consigned by the Southern Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about May 4, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (bottles) "Golden West Brand Distilled White Vinegar * * * Southern Manufacturing Co. St. Louis, U. S. A."

Adulteration of the article was alleged in the libel for the reason that dilute acetic acid had been mixed and packed therewith so as to lower or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Distilled White Vinegar" was false and misleading and deceived and misled the purchaser and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 21, 1921, Marquard F. Braun, claimant, having consented to a decree and having requested permission to rebrand the product so as to show the true contents of the said bottles, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9942. Adulteration and misbranding of tomato catsup. U. S. * * * v. 53½ Cases * * * of Royal Kitchen Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14494. I. S. No. 5731-t. S. No. E-3146.)

On February 28, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 53½ cases, more or less, of Royal Kitchen tomato catsup, remaining unsold in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped from Hartford, Conn., on or about October 29, 1920, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Royal Kitchen * * * Tomato Catsup * * * Packed By Thomas Page Albion, N. Y., * * *"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9943. Adulteration of concentrated tomato and adulteration and misbranding of tomato conserve and tomato purée. U. S. * * * v. 50 Cases of Tomato Conserve, 13 Cases of Tomato Purée, and 50 Cases of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14497. I. S. Nos. 5939-t, 5940-t, 5941-t. S. No. E-3145.)

On February 26, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of tomato conserve, 13 cases of tomato puree, and 50 cases of concentrated tomato, at Pittsburgh, Pa., alleging that the articles had been shipped by Thomas Page, Albion, N. Y., on or about January 15, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration of the concentrated tomato and adulteration and misbranding of the tomato conserve and tomato purée, in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Cans) "Tripoli Brand Tomato Conserve * * * Packed By Thomas Page Albion, N. Y. * * * Contents 12 Oz. * * *"; "Royal Kitchen Tomato Puree Contents 2 Pounds Packed By Thomas Page * * *"; "Mt. Etna Brand Concentrated Tomato * * * Packed By Thomas Page * * *"

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding of the Tripoli Brand tomato conserve and the Royal Kitchen tomato purée was alleged for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9944. Misbranding of Green Cross horse feed. U. S. * * * v. Quaker Oats Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14535. I. S. No. 11163-r.)

On April 29, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Quaker Oats Co., a corporation, trading at Morris, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1920, from the State of Illinois into the State of Mississippi, of a quantity of Green Cross horse feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.78 per cent of protein and 2.35 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein 10.00% Crude Fat 2.5%," borne on the label printed on the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 10 per cent of crude protein and not less than 2.5 per cent of crude